

Jayson Alderman

July 21, 2015

NANCY ROELL

vs.

HAMILTON COUNTY, OHIO/BOARD OF COMMISSIONERS, et al.

Case Number: 1:14-CV-637



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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

_____))
NANCY ROELL)
as executrix of the estate of)
GARY L. ROELL, SR.,)
Plaintiff,)
vs.) CASE NO.
HAMILTON COUNTY, OHIO/BOARD OF) 1:14-CV-637
COMMISSIONERS, et al.,)
Defendants.)
_____)

Deposition of: JAYSON ALDERMAN
Pursuant to: Notice
Date and Time: Tuesday, July 21, 2015
12:35 p.m.
Place: Office of Hamilton County
Prosecuting Attorney
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Cincinnati, Ohio 45202
Reporter: Wendy Haehnle
Notary Public - State
of Ohio

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1 JAYSON ALDERMAN

2 a witness herein, having been duly sworn, was
3 examined and deposed as follows:

4 EXAMINATION

5 BY MR. GERHARDSTEIN:

6 Q. Thanks for your patience.

7 A. No problem.

8 Q. I know you had to wait today. So I
9 apologize for that.

10 State your full name, please.

11 A. Jayson Alderman.

12 Q. And where do you work?

13 A. I am a police officer with the City of
14 Montgomery, assigned to the Drug Use Reduction
15 Task Force.

16 Q. When did you start there?

17 A. Started with Montgomery?

18 Q. Yeah.

19 A. 2006.

20 Q. What did you do before that?

21 A. I -- prior to that, I worked almost two
22 years as a loss prevention manager. And prior to
23 that for the military intelligence.

24 Q. What's your highest level of education?

25 A. I got an associate's degree in college.

1 Q. Where?

2 A. Central Texas College in -- through the
3 military, through the Air Force.

4 Q. And what were your duties on
5 August 13th, 2013?

6 A. Road patrol.

7 Q. For Montgomery?

8 A. Yes.

9 Q. And when you did road patrol, did you
10 have a partner?

11 A. We have other individuals on that shift
12 that are --

13 Q. But you're in a cruiser alone?

14 A. We are solo, correct.

15 Q. What did you do to get ready for this
16 deposition?

17 A. I met and reviewed some -- my statement
18 I provided a few days ago.

19 That was about it.

20 Q. And who did you meet with?

21 A. Ms. Sears and Mr. Kunkel.

22 Q. They aren't representing you here
23 today, though, right?

24 MS. SEARS: We aren't.

25 MR. GERHARDSTEIN: You said --

1 MS. SEARS: We are not.

2 MR. GERHARDSTEIN: Oh.

3 MS. SEARS: Yeah. Sorry. I didn't
4 want them to get confused.

5 BY MR. GERHARDSTEIN:

6 Q. So when -- where did you meet with
7 them?

8 A. Possibly this room -- prosecutor's
9 office.

10 Q. Okay. And what did you say to them and
11 what did they say to you?

12 A. Basically, just provided my transcribed
13 audio statement that I provided to Hamilton
14 County detectives, as well as my sheet that was
15 given to my lieutenant right after the incident;
16 a pretty quick synopsis of the incident and just
17 kind of what time -- how to meet today, where to
18 meet.

19 I gave them just a quick rundown,
20 basically, nothing different or nothing other
21 than what was already provided in the statement.

22 Q. The sheet you gave to your lieutenant,
23 was that a handwritten document?

24 A. No. It was typed, I believe.

25 MS. SEARS: Exhibit --

1 BY MR. GERHARDSTEIN:

2 Q. Your incident report?

3 A. It's not an incident report. It's just
4 a memo, we'll call it.

5 Q. Okay. So let's go back to that day,
6 August 13th, 2013.

7 What happened that caused you to get
8 involved with Mr. Roell? What was the first
9 thing?

10 A. We were dispatched for an auto accident
11 on 275 -- Interstate 71 to 275, which was very
12 close to the incident.

13 It was, we'll call it middle of the
14 night.

15 I arrived with my -- the other
16 individual that worked at Montgomery, because it
17 was an auto accident.

18 We're out there on the scene. A lot of
19 deputies are out there assisting with traffic,
20 because it is in a very bad location.

21 Shortly thereafter -- it was an OVI
22 auto accident.

23 Shortly thereafter, I heard come across
24 the radio -- and I don't remember the exact
25 call -- but burglary or disturbance -- some type

1 of disturbance dispatched to Sycamore Township
2 units to respond to the suspect's residence.

3 We remained there. They left. All the
4 sheriffs left, which left just Officer Shreve and
5 myself there on the scene of the auto accident.

6 Q. Who's Officer Shreve?

7 A. He's another Montgomery officer. He
8 was the one handling the auto accident.

9 Q. Okay.

10 A. Shortly thereafter, after the deputies
11 arrived on scene, a call came across the radio.
12 And it was something of the nature, officer
13 assistance. I can't remember the exact dispatch.
14 But it was basically saying that they needed more
15 help.

16 My proximity to the loc -- to the scene
17 was less than a minute, basically just right off
18 Montgomery Road. I'm right there. So I
19 responded to their assistance call.

20 When I arrived on scene, I saw their --
21 their cruisers parked out front. They were
22 unoccupied.

23 So I got on the radio, and I asked,
24 basically, where they were at. And they -- I
25 can't remember if they stated they were behind

1 the residence. But I know one of the deputies
2 came out from behind the residence and met with
3 me, and we walked back to where the -- to the
4 back patio where the struggle occurred.

5 Q. Do you know who came out and met you?

6 A. I want to say it was Matt Alexander.
7 However, they were fairly new at the time. And I
8 get him -- Matt Alexander and Joe Huddleston
9 mixed up all the time.

10 Q. Okay.

11 A. So I'm not sure which one.

12 Q. And did they come out to meet you or
13 was he doing something else or --

14 A. Well, they were on their way -- I don't
15 know if he was doing something else.

16 But when he came around the corner, he
17 met me. We then turned and were walking back
18 towards the rear of the -- the condo.

19 And I noticed that as -- I believe it
20 was his left hand was bleeding. And I told him
21 that his hand was bleeding and asked if it was
22 his blood or the suspect's blood.

23 And at that point, he said he didn't
24 know and that the guy was in the back and that he
25 punched one of the deputies in the face.

1 So he kind of escorted me to the back
2 of the residence.

3 Q. And as you approached the back, was the
4 condo to your left?

5 A. Yes.

6 Q. All right. So you went around to the
7 right?

8 A. Right, right. If you're looking at the
9 street, we came around the right.

10 Q. Yeah. I got you.

11 Okay. Go ahead.

12 A. Small privacy fenced-in area there in
13 the back.

14 Q. Uh-huh.

15 A. I immediately noticed that there was
16 some flower pots and items thrown throughout the
17 yard; appeared to be a disturbance.

18 As soon as we rounded that corner --
19 well, when I first arrived on scene, it was
20 obvious that there was a disturbance. You could
21 see that there were beer cans broken in the
22 parking lot, like glass -- they threw some type
23 of glass jar up against the outside of the
24 building, up higher.

25 I could tell that this oriental grass

<http://www.yclaw.net/help>

1 was ripped out and was thrown all over the
2 parking lot, stuffed in mailboxes. So right away
3 I knew I was obviously in the right spot.

4 So after the deputy met me, we turned
5 around and went to the back. The suspect was
6 already -- they were -- had him kind of on his
7 side. They were struggling to keep him on his
8 side.

9 They said that his hands were
10 handcuffed in the front and that he was still
11 fighting and struggling.

12 I immediately noticed that he was nude
13 from the waist down and that there was one deputy
14 on his feet, trying to control his feet. And the
15 deputy was unable to control his feet and kept
16 kick -- the suspect kept kicking him and pushing
17 him into the privacy fence, the back fence area.

18 So I went over and I held down the
19 right -- right calf, right ankle area.

20 During this time -- so at this point,
21 there has been four officers attempting to
22 control him. It wasn't turning out very well.

23 There was one in the left front --
24 right front, left leg, right leg. And we were
25 struggling to keep him on his left side, to keep

1 him off of his stomach.

2 However, he was fighting the entire
3 time. And -- so it was very hard to keep him off
4 of his stomach, but we were attempting.

5 And I noticed that one of the deputies
6 did call for a life squad during this time.

7 A few seconds, a minute, I'm not sure
8 the exact time frame, the suspect went silent.
9 And the way he was laying, his face was facing to
10 the right, so my side. I had a direct line of
11 sight to his face.

12 When I turned him to the side, I
13 immediately noticed that his eyes were rolled up
14 in his head, and they were partially open and
15 that he was blue around the mouth, which I
16 immediately told them that his eyes rolled up in
17 his head and his lips were blue.

18 They flipped him to his back and began
19 CPR immediately on him.

20 I left and went around to the front of
21 the building, back towards where the cars were,
22 because it was in kind of a difficult spot to
23 find if you didn't know what you were looking
24 for, because I couldn't find it. So I went out
25 front to meet the life squad.

1 Five minutes later, whenever the life
2 squad arrived moments later, I briefed them, just
3 a real quick rundown on where he was at and what
4 we saw and kind of what they told me, just so
5 they could get the necessary equipment to provide
6 CPR.

7 Q. How long were you actually with
8 Mr. Roell before you noticed that his eyes had
9 rolled up and that he had gone limp?

10 A. It was just -- it was minutes. I don't
11 know the exact time frame. We're talking almost
12 two years ago. I'm trying to recall from memory.

13 It was a short -- it was -- I don't
14 think it was a significant -- I don't think it
15 was ten minutes. It was -- it was a shorter
16 amount of time.

17 Q. Who was present from the time you got
18 there to the time he went limp, just the other
19 three officers?

20 A. There was three deputies there. One
21 was Deputy Dalid, Willy.

22 Q. Yeah.

23 A. And then the other two, like I said,
24 was Matt Alexander and Joe Huddleston. But I get
25 them confused.

1 Q. Did they tell you anything about
2 Mr. Roell's conduct prior to that point?

3 A. Just to the fact that he punched one of
4 them in the face, as we were walking around the
5 back of the building.

6 But while we were back there,
7 Mr. Roell, the suspect, began -- he kept trying
8 to grab the garden hose.

9 Q. Right.

10 A. There was a garden hose, and he kept
11 pulling it out. And he was saying something
12 along of lines water, I want water, I need water,
13 something along the lines of water.

14 So at this point, they were -- the one
15 deputy -- I believe it was the one on the left --
16 the left shoulder, read him his Miranda rights.

17 So I was just there basically as an
18 assistance officer. We weren't really talking
19 about the case, because we were still attempting
20 to get him under control.

21 Q. Did the officer who read him his rights
22 get through the whole Miranda rights?

23 A. I do believe so.

24 Q. And what was Mr. Roell's response as
25 the officer read him his rights?

1 A. He was very -- he was mumbling,
2 rambling on. You couldn't understand much of his
3 speech. He was still very agitated and what I
4 would call violent at the time.

5 So he wasn't -- we'll just say he
6 wasn't compliant.

7 Q. He wasn't armed, right?

8 A. Not that I observed.

9 Q. And would you say he was incoherent?

10 A. He appeared to be incoherent,
11 correct.

12 Q. Was he screaming --

13 A. I don't know if you would call it
14 screaming.

15 Q. -- or yelling?

16 A. But it wasn't a normal inside voice.

17 He was very loud. But I don't know if
18 you would classify it as screaming.

19 Q. And you heard him say something about
20 water; and what else, if you recall?

21 A. That's really all I recall.

22 Q. And did that make any sense to you,
23 whatever he was saying about water?

24 A. No, because I wasn't there prior. And
25 I know that there was a garden hose. And I know,

1 at this point -- I mean, I wasn't sure if it was
2 his house or not. Like I said, I had just
3 arrived on the scene.

4 So I didn't know the events that had
5 led up to that. I just knew he was -- I want
6 water, I need water, something about water.

7 Q. And you were holding one of his legs?

8 A. His right like lower calf, ankle
9 area.

10 Q. Was that warm to the touch and clammy,
11 sweaty?

12 A. I mean, I don't recall of any unusual
13 feelings.

14 Q. He was naked from the waist down?

15 A. Yes.

16 Q. Did the officer say anything to
17 Mr. Roell other than to read him his rights?

18 A. Not that I recall, no, not at that
19 time, not that I recall anyway.

20 Q. Did you say anything to Mr. Roell,
21 other than what you've told us about?

22 A. No.

23 Q. Did you observe any evidence of the
24 deployment of a Taser?

25 A. I remember seeing Taser barbs. But I

1 cannot recall what side, either on the front or
2 back. But I do remember -- or recall seeing
3 Taser barbs.

4 Q. Did you see any aphids on the patio?

5 A. None stood out to me. But I wasn't
6 looking, either.

7 Q. Did the officers tell you whether
8 Mr. Roell had been tased?

9 A. Honestly, I don't recall.

10 Not prior to the scene. I mean, after
11 everything was said and done -- I mean, there was
12 so many officers there. I mean -- so I left.

13 But I don't recall them telling me he
14 was tased.

15 Q. How long after you got there did
16 someone call EMS?

17 A. It was very shortly -- as soon as I --
18 I got back there and I assisted and was helping
19 control him. It was within a minute, maybe two
20 minutes. It was very quickly.

21 Q. And how long between the time -- what
22 was Mr. Roell doing at the time that they called
23 EMS?

24 A. He was -- we were attempting to keep
25 him on his side. He was still trying to struggle

1 with us, basically, trying to pull his arms and
2 legs away. And his speech was very incoherent.
3 You couldn't really understand, nor was I paying
4 that close of attention to what he was saying.

5 But, like I said, it did take -- I did
6 have to jump in, because the deputy on the legs
7 could not control his legs. So, yeah, they
8 obviously were unable to control him with just
9 three individuals.

10 Q. Were the legs shackled?

11 A. I don't recall if they were shackled or
12 not.

13 Q. Did there come a time at all when the
14 legs were shackled?

15 A. I don't recall.

16 Q. Prior to that encounter, had you had
17 any experience with people suffering from excited
18 delirium?

19 A. I have had people that have -- or I've
20 had an individual who possibly exhibited it. But
21 I don't know for a fact that it was excited
22 delirium.

23 Q. Tell me about that.

24 A. It was an individual in Montgomery.
25 His name was Randall Hall, Randy Hall.

1 We've -- everyone at Montgomery -- not
2 everyone. But most every -- all the patrol
3 officers knew Randy Hall from experiences when he
4 was younger.

5 He was a known alcoholic, known drug
6 user, and known to be suicidal. He had numerous
7 suicidal runs at his house.

8 Well, there had been -- it wasn't a run
9 I was on. But one of the times they used some
10 type of minor use of force. And he went into
11 some type of, I believe, cardiac arrest, some
12 type of medical emergency.

13 However, EMS had him -- we're in close
14 proximity to Bethesda North Hospital. They were
15 able to revive him.

16 So I -- like I said, I know that he's
17 experienced those signs before that people
18 classify as excited delirium. But I mean, I was
19 never told by a doctor or something that it was
20 excited delirium.

21 Because he was a known alcohol and drug
22 user.

23 Q. Did you observe him --

24 A. Randy Hall?

25 Q. Yeah.

1 A. Yeah. I've --

2 Q. -- go into these signs that you say
3 could be excited delirium?

4 A. I've seen those symptoms on him before,
5 correct.

6 Q. So tell me what you consider to be the
7 symptoms of excited delirium.

8 A. Just paranoia.

9 Q. Okay.

10 A. He was very -- like his speech was very
11 incoherent. He seemed to -- unable to -- like he
12 could not be controlled, not that I ever went
13 hands on with him. But he would always -- like I
14 said, just, you know, the paranoid, incoherent
15 speech.

16 He's known -- but never -- I wasn't on
17 those runs -- walk down Pfeiffer Road naked.

18 But, like I said, those are runs that I
19 know about just from reading the logs.

20 Because we are very familiar with him.
21 And the chance of us getting dispatched to his
22 house on a daily basis was very high.

23 So it -- I mean, more like the paranoia
24 and stuff. But like I said, a lot of times it
25 was usually due to alcohol, almost always

1 related.

2 Q. When you would get dispatched to
3 Mr. Hall's house, would you also ask for EMS to
4 be available?

5 A. It would depend on the run. It was
6 required to have two officers respond to his
7 house for any type of run, unless it was more
8 like a theft report or a minor-type report.

9 He lived there with just his mother. I
10 believe his father lived in California. So they
11 would always have a lot of domestic-type
12 situations, those type of runs.

13 We would always respond. But EMS
14 wasn't called initially. And at no -- I mean,
15 besides the suicidal runs.

16 I never dispatched EMS to have them out
17 there, unless, you know, it was a needed basis.

18 Q. And in your experience with him, when
19 you saw him and observed him as paranoid and
20 difficult to control, would you have EMS come and
21 stage near you at those situations?

22 A. No.

23 Q. Have you been through any training on
24 excited delirium?

25 A. It's been some time, but yes.

1 Q. Where?

2 A. In-house Montgomery.

3 Q. In your training on excited delirium,
4 what have you been instructed to do with respect
5 to having EMS available to you as you engage with
6 people you suspect of having that?

7 MS. SEARS: I'm just going to object to
8 this line of questioning.

9 But, obviously, go ahead and answer it.

10 I won't interrupt you again.

11 A. Typically -- I mean, if you
12 know they're exhibiting some type of medical
13 emergency, you have the EMS there.

14 But a lot of times you don't know that
15 they're exhibiting the excited delirium. I know
16 there's certain symptoms. But those symptoms
17 also go hand in hand with drug and alcohol usage.

18 So it's more left up to the officer and
19 just more to be aware that that is a possibility
20 of what could happen.

21 But there is no set protocol to say,
22 you know, if this is what happens, you will have
23 this.

24 BY MR. GERHARDSTEIN:

25 Q. Take a look at Exhibit 17.

1 A. In the book here?

2 Q. Yes.

3 That's the incident recall from
4 dispatch about this incident. And it appears
5 that you come up at 2:55.

6 A. Correct.

7 Q. And that just has -- I see Officer 1,
8 Name, Jayson Alderman.

9 A. Uh-huh.

10 Q. Does that -- maybe you know more
11 reading this than I do. Does that tell us
12 anything about whether you were dispatched then,
13 on scene, en route?

14 What can you tell me about that?

15 A. I mean, it doesn't -- it doesn't say if
16 it's on scene or not. But that's probably -- I
17 cannot remember when I got dispatched, because
18 like I said, I was en route and I don't know if I
19 just marked out on the scene.

20 But it's going to be at some point when
21 I keyed up on the radio.

22 Q. Okay.

23 A. Like I said, I don't know if -- when I
24 left the auto accident if I said I was en route.
25 Well, that probably -- because a minute later

1 there's another time, so --

2 Q. Right.

3 A. -- at 2:56. And based on my proximity,
4 from the auto accident to the scene was about a
5 minute away.

6 Q. Okay. So what would be your typical
7 procedure when you're going to help somebody that
8 you heard about on the radio? Would you get on
9 the radio and say you're en route?

10 A. It just depends on the radio traffic.
11 I receive priority traffic. If it
12 takes priority, I mean, if they're fighting with
13 someone, I don't need to tie up their air time --
14 because someone potentially got hurt or killed --
15 if I'm telling them I'm en route.

16 So if the radio traffic seems to be
17 open, then we would key up and say, we'll be
18 en route, just so other units know how many cars
19 are going, as well as the dispatchers know.

20 But if it's a -- you know, if they're
21 on the air or it seems like they need the air
22 more than I do, then we would just mark out on
23 scene.

24 Q. But your take, looking at this, is
25 since you're listed twice, 2:55 is probably when

1 you were en route and 2:56 is probably when you
2 were on scene; is that fair?

3 A. Yeah. I would say at 2:55 was when I
4 keyed up and said I was en route or something
5 along those lines. And 2:56 was probably on
6 scene or -- but it could also be -- 2:55 could be
7 when I was on scene, and 2:56 when I said, where
8 are they at?

9 Because I know I keyed up and asked
10 that. Because I don't think it has -- I mean, it
11 could have been the end of the two minutes -- you
12 know, 2:55, closer to 2:56.

13 So, like I said, I -- unfortunately, I
14 would have to listen to the audio to tell you.

15 Q. Okay. I see that at 3:02 we have once
16 again that this is Officer 1, Jayson Alderman.

17 I don't know if that helps us.

18 A. 3:02?

19 Q. Yeah. I don't know if you can tell
20 anything from that entry or not.

21 A. No. Like I said, it -- it's hard to
22 tell.

23 Q. Now, you say that you were at the side
24 of Mr. Roell when a request was made for EMS,
25 correct?

1 A. Correct.

2 Q. You heard someone get to the radio?

3 A. Yes.

4 Q. Who was that?

5 A. The top left.

6 Q. And that was -- was that at your
7 request or --

8 A. Not at my request. I was solely
9 assisting.

10 Q. Okay. So I see a request, EMS, from an
11 officer labelled 9P31 at 2:57.

12 So that's consistent with you being
13 present in the back, at least with Mr. Roell at
14 2:56; is that fair?

15 A. Yes. Like I said, it was shortly
16 thereafter.

17 9P31 would be 9, Paul, 31, which would
18 be Symmes Township.

19 Q. What did the officer who called for EMS
20 say when he got on the radio?

21 A. I don't recall.

22 Q. Prior to the time CPR was initiated,
23 were there periods when Mr. Roell just stopped
24 all resistance, then sort of reactivated again?

25 A. Not that I recall.

1 I believe he -- okay. What I recall
2 is, he was fighting, he was violent, resisting.
3 He then went silent, just -- then CPR.

4 I don't remember any pauses and start
5 up and stop again.

6 Q. Did you ever experience any snoring?

7 A. Not that I recall any.

8 Q. Did any of the officers indicate to you
9 that they had experienced him completely calmed
10 down and then get agitated again before you got
11 there?

12 A. Not that I recall.

13 Q. Did any of the officers indicate that
14 he had engaged in any snoring before you got
15 there?

16 A. Not that I recall.

17 Before -- I'm sorry. Before I got
18 there?

19 Q. Yeah, yeah.

20 A. No. They didn't --

21 Q. As part of the history of their
22 encounter with him?

23 A. No.

24 Q. How did they describe their encounter
25 with him, you know, their experience with him

1 before you got there?

2 Did they ever relate that to you?

3 A. Not really. I mean, they just were
4 going around, like I said -- you know, the blood
5 on the hand, I asked the deputy if it was the
6 suspect's. And they said they weren't sure and
7 that he punched one of the deputies in the face.

8 That was pretty much my only kind of
9 speaking with them prior -- or, you know, when
10 the incident was going on. Because it was their
11 case. I was solely there just to assist. I just
12 held the foot down to stop that one deputy from
13 getting pushed back into the fence repeatedly.

14 So I just -- I just sat there,
15 basically. I don't ask questions. It's just
16 basically --

17 Q. But you don't recall if that foot had a
18 shackle on it?

19 A. I don't recall.

20 Q. Was Mr. Roell in the same position the
21 whole time that you were trying to hold him on
22 the ground?

23 A. We are trying to keep him in the same
24 position. Like this is his head and this is his
25 stomach. We were trying to keep him on his left

1 side.

2 But he kept fighting to go on his left
3 side of his stomach. So we were trying to keep
4 him up on that left side. But because of his
5 resistance and rolling around, it was hard to
6 keep him in that same position, other than flip
7 him on the back once he went -- at the time,
8 unconscious, then they flipped him on his back.

9 Q. Did you talk to any of the other
10 officers about what position you were trying to
11 keep him in?

12 A. No.

13 Q. Was there any period when he was on his
14 stomach while you were there?

15 A. Yeah. I mean, I wouldn't say directly
16 on his stomach. But there was times when he was
17 fighting back and forth, which -- I mean, you
18 would -- he -- the suspect under his own power
19 went down on his stomach. But they were trying
20 to keep him off of his stomach. So it was very
21 brief periods of time.

22 Q. How hard were you pressing down on him
23 while you were holding his leg?

24 A. Not very much. Because he was actually
25 still pulling his leg up off the ground. I was

1 just -- so he wouldn't kick.

2 I mean, I wasn't trying to pin it to
3 the ground. It would have been -- he was still
4 lifting it up and sliding it from bending the
5 knee up and down.

6 So it wasn't very -- very hard.

7 Q. As you observed the officers up on the
8 upper torso, what did you observe with respect to
9 the amount of pressure they were putting on
10 Mr. Roell?

11 A. It didn't appear to be anything in
12 excess. It was him -- proper -- not necessarily
13 to keep him on the ground from trying to get up
14 or roll away.

15 I mean, I didn't notice anything that
16 stood out in my mind.

17 Q. And this exercise of trying to keep him
18 restrained went on for several minutes before
19 EMTs got there, right?

20 A. Yes. I mean, once he went unconscious,
21 I went around to the front of the house.

22 So I -- unfortunately, I don't know
23 what occurred when I left the scene and went to
24 the front.

25 Q. Did you provide any of the CPR?

1 A. No.

2 Q. Did you leave Mr. Roell before the EMTs
3 got there or did you leave him after EMTs got
4 there?

5 A. Well, I left him and went to the front
6 to meet the EMTs to escort them back to the
7 scene.

8 Q. Tell me about that. Tell me about what
9 happened when you returned with the EMTs to where
10 Mr. Roell was.

11 A. I basically -- as soon as I -- or as
12 soon as I turned the corner to the gate and the
13 privacy fence, I basically pointed to -- that's
14 where he was at at this time.

15 Numerous other deputies were arriving
16 on scene, and I walked around in front.

17 You know, there was no other assistance
18 I could have rendered at that time, nor was it my
19 scene. So I just went out in front and --

20 Q. And what did you do when you were out
21 front?

22 A. Basically just stood there.

23 I don't know if the suspect was gone
24 already or not, but at one point, a sergeant came
25 up -- the house, if you're looking at it from the

<http://www.yeslaw.net/help>

1 street, the house to the left had the front door
2 open.

3 Q. Okay.

4 A. And you could tell -- that was the
5 house that had all the stuff broken out front.

6 So you could kind of -- you could see
7 in the door. And you could see things were just
8 thrown and everything. So the sergeant asked
9 myself and another deputy -- I don't know who the
10 deputy was, but we cleared the house.

11 He wanted to go in there and just make
12 sure there were no other victims or individuals
13 needing assistance in there.

14 We went inside the house. Once it was
15 cleared of all individuals, we backed out.

16 They didn't know who the suspect was.
17 And I sat in my car and ran some license plates
18 out front of the apartment in my computer, in-car
19 computer, and eventually came back with a return.

20 The picture matched the suspect's
21 picture. And I wrote it down and gave it to one
22 of the sergeants and just said, here's his name.

23 At that point, I went available.

24 I went to the hospital just to see if
25 the deputy up there needed any assistance. I

1 walked in. He said he didn't need anything. I
2 gave him my business card, said, if you need
3 something, give me a call.

4 Then I left there and completely went
5 available from the whole scene.

6 Q. I see you're listed at 3:02 on
7 Exhibit 17, Bates page 2663, and then again at
8 3:32 and 3:35.

9 Any of those times suggest the time
10 when you helped clear the unit to the left of
11 where the suspect was?

12 A. I don't recall if I keyed up on the
13 radio or if the deputy keyed up.

14 Like I said, unfortunately, if I
15 listened to the audio, it would make things more
16 clear. But based off my memory, I mean, I don't
17 remember the exact times.

18 Q. Tell me what you saw when you went
19 through the unit that you did clear.

20 A. As soon as we walked in the front door,
21 I want to say the kitchen was off to the right,
22 and the family room/living room area was straight
23 ahead.

24 Basically, the way to describe it is,
25 if it could be torn up, it was torn up. If it

1 could be flipped over, it was flipped over. The
2 toilets were filled with clothes, the
3 refrigerator/freezer was open. All the food was
4 thrown throughout the kitchen.

5 Like I said, all the -- clothes just
6 everywhere, table, chairs or something -- I mean,
7 if it was flipped over -- like I said, then we
8 went down to the lower level basement area.

9 Q. Okay.

10 A. Okay. And everything was the same:
11 stairs were completely cluttered.

12 There was one door at the bottom of the
13 steps that was locked. And the deputy I was with
14 made an announcement, sheriff's department,
15 something along those lines.

16 No one came, so he kicked the door just
17 to make sure there were no victims on the other
18 side of that door.

19 Once that room was secure -- I believe
20 it was a very small room. I didn't even enter
21 that room. I think he just looked in there.
22 It's pretty small.

23 Once it was secure in that area, then I
24 left, or, you know, we exited the residence.

25 And at that point, they were starting

1 to put up the yellow crime scene tape, police
2 line, do-not-cross tape.

3 Q. Did you make any inventory or take any
4 pictures of whatever you saw in that unit?

5 A. I did not do any of those.

6 Q. Did you find any people in the unit?

7 A. No.

8 Q. Back when you were with Mr. Roell and
9 you noticed that his eyes had rolled back, did
10 you take any vital signs?

11 A. I did not.

12 Q. Are you trained in any CPR or that kind
13 of stuff?

14 A. It's expired.

15 Q. You said you went up to the hospital?

16 A. I did.

17 Q. What happened at the hospital?

18 A. The suspect was in one of the emergency
19 rooms. They had the curtain shut.

20 And the deputy that was there -- I just
21 said, hey, just common practice, I know they were
22 involved in a struggle, something like that,
23 just, if you need anything from me, since the
24 hospital is located in the City of Montgomery.

25 He said, nope.

1 I gave him my business card. I said,
2 if you need anything, give me a call. And then I
3 left.

4 I was probably not -- there less than
5 five minutes.

6 Q. Did there come a time after that early
7 morning series of events when you spoke with the
8 officers about what had happened?

9 A. I don't know if it was that day or the
10 next night or one of the, you know, following
11 nights.

12 I don't recall calling them like
13 that -- that night or that day.

14 Q. So whenever it was, who did you speak
15 to?

16 A. I don't know. I think -- I think I
17 gave them that memo, because of -- which, I think
18 I saw it, but I don't know where it went.

19 Q. Yeah. It was Defense Exhibit O.

20 MS. SEARS: S.

21 MR. GERHARDSTEIN: S?

22 MS. SEARS: Yeah.

23 BY MR. GERHARDSTEIN:

24 Q. And you gave whom that memo, one of the
25 officers?

1 A. It would have been one of the Sycamore
2 cars.

3 You know, again, two years ago, I don't
4 remember exactly who I met up with.

5 Q. Okay. Did you give it to one of the
6 people you had seen at the scene?

7 A. Yes, yes. I would say that. I want
8 to say it was Matt Alexander, but I'm not
9 100 percent positive on that.

10 Q. And when did you write Exhibit S?

11 A. That night or early morning, before
12 that shift was over, the night of the incident.

13 Q. When you gave this to one of the
14 officers a couple days later, did you have
15 occasion just to chat with the officer about what
16 they had experienced?

17 A. No, other than they said he had passed
18 away. And I can't remember -- I mean, we were
19 all under the assumption at that time that he was
20 under some kind of narcotic.

21 But, you know, I try not to get into
22 details on these cases like that.

23 But I knew -- I was aware that the
24 suspect did pass away and there was probably
25 going to be an internal investigation, which I

1 try not to, you know, impede those investigations
2 at any point; so just a real quick, you know,
3 this is -- hey, this is what we saw, you know,
4 kind of, that was out of control, or, that was
5 messed up, that kind of stuff, and that we were
6 waiting for the autopsy to come back.

7 Because, like I said, you know, I was
8 under the assumption that he was under some type
9 of alcohol, drugs, or both.

10 Q. Did you talk to the other officers
11 about Mr. Roell being under the influence of some
12 alcohol, drugs, or both?

13 A. I mean, other than that brief
14 conversation that we had. I mean, it wasn't
15 certain. It was just like, hey, you know, that
16 guy was probably under alcohol or, you know, he
17 was probably high.

18 Q. And that's the brief conversation you
19 had when you gave them Exhibit S --

20 A. Right.

21 Q. -- a couple days later?

22 A. Yeah. Because the night at the scene,
23 after everything was said and done, I think there
24 were broken beer bottles out in front of the
25 suspect's residence around a vehicle in the

1 parking lot. They were broken on the pavement.

2 Q. Did you yourself ever direct any
3 questions or statements to Mr. Roell?

4 A. Ask him directly?

5 Q. Yeah.

6 A. No.

7 Q. And did Mr. Roell ever direct any
8 statements or comments to you?

9 A. No.

10 Q. Your statement in the second paragraph
11 toward the end says, During this time -- it's
12 about three sentences up from --

13 A. Are you referring to this?

14 Q. Yeah, under the second -- Exhibit S.
15 During this time, EMS was notified to
16 respond to conduct a medical evaluation on the
17 suspect and to remove the Taser probes.

18 Did I read that correctly, the second
19 paragraph, about three sentences up?

20 A. That's right. I mean, yes, that's
21 what's written.

22 Q. Does that refresh your recollection as
23 to what the purpose of calling EMS was?

24 A. Again, a medical evaluation, as well as
25 remove Taser probes, that's typical -- that's

1 standard protocol for EMS, at least for
2 Montgomery it is. I can't speak for other
3 departments -- but to have EMS remove Taser
4 probes.

5 But we are authorized at Montgomery to
6 remove them ourselves, as long as they're not in
7 a sensitive area.

8 Q. Right. I'm just getting back --

9 A. Right.

10 Q. -- to the call that was made and making
11 sure I know everything you know --

12 A. Right.

13 Q. -- about statements made to EMS during
14 that call.

15 Does that help you at all?

16 A. I mean, it doesn't refresh anything I
17 haven't already said to you.

18 I just know, like I said, that EMS was
19 called right when I got there.

20 Q. Okay. All right.

21 MR. GERHARDSTEIN: I don't have any
22 other questions. Thank you.

23 EXAMINATION

24 BY MS. SEARS:

25 Q. Just following up on Exhibit S.

1 I heard you explain to Mr. Gerhardstein
2 that you weren't sure now, as you sit here today,
3 whether the probes were in the back area or the
4 front area, that you observed.

5 A. Right. I don't recall which part of
6 the body it was in.

7 Q. And you had indicated to
8 Mr. Gerhardstein that the statement, which is
9 marked as Exhibit S for purposes of these
10 depositions, is a statement that you made in
11 writing to your department during the same shift
12 that you responded to this incident; is that
13 right?

14 A. Yes. It was written on the same day.

15 Q. To the extent that this statement has
16 more detail than you recall today, would you
17 agree with me that the statement is -- is likely
18 more accurate?

19 A. Yes.

20 Q. If I could call your attention to that
21 second paragraph that you were just looking at --

22 A. Yes.

23 Q. -- with Mr. Gerhardstein.

24 About halfway down it says, Once I
25 arrived and was in the rear -- advised me -- the

1 rear -- handcuffed and obscenities.

2 In the middle of that it says, he has
3 minor abrasions on his body and Taser probes in
4 his back area.

5 Do you see that?

6 A. Minor abrasions. Okay, yes.

7 Q. Do you see that, in his back area?

8 A. Upon entering the residence, the
9 subject was laying on his stomach side.

10 Is that what you are referring to?

11 Q. Right here, this one that starts with
12 probes.

13 A. Okay. Yeah.

14 Q. Do you see where I'm pointing there?

15 A. Yeah.

16 Q. That sentence that starts that -- the
17 sentence actually starts the line above that, He
18 had minor abrasions on his body and Taser probes
19 in his back area.

20 Do you see that now?

21 A. Yes.

22 Q. You wrote that?

23 A. Yes.

24 Q. Okay. Does that refresh your
25 recollection independently, or just does the

1 document speak for itself?

2 A. Just the document speaks for itself.

3 Again, it's not bringing back any memories

4 of --

5 Q. That's fine.

6 In that same paragraph, right after

7 that, There were two deputies trying to hold him

8 down on his upper torso and one deputy trying to

9 hold his legs down.

10 Was that your observation?

11 A. Yeah.

12 Q. I held down his right leg to prevent

13 him from getting up and causing more injury to

14 himself. He kept kicking and yelling that he

15 wanted his neighbor's water and that he did

16 nothing wrong.

17 Do you independently recall him saying

18 he did nothing wrong, or not?

19 A. No. Like I said, the thing that stands

20 out to me is about the water.

21 Q. Okay. But nevertheless, this statement

22 was written at the time, right?

23 A. This was written within -- within

24 hours.

25 Q. Uh-huh. And it says, We kept trying to

1 keep him on his side to prevent positional
2 asphyxiation. However, he kept rolling back onto
3 his stomach; is that right?

4 A. Right.

5 Q. When he was rolling back onto his
6 stomach, did it appear to you that he was trying
7 to get some leverage to stand up by using his
8 arms or his legs to give him leverage?

9 A. Yes.

10 Q. And did it appear to you that the goal
11 at that point, in terms of subject control, is to
12 keep him on the ground and not allow him to get
13 up?

14 A. Correct.

15 Q. And you said you were aware at that
16 point, or at least had been told, that he had
17 assaulted a police officer already?

18 A. Correct.

19 Q. And that -- would that be an
20 appropriate tactical approach, at that point, to
21 keep the subject on the ground, in your
22 experience?

23 A. Yes, absolutely.

24 Q. And have you been trained in positional
25 asphyxiation?

1 A. We have.

2 Q. And is -- one of the goals to prevent
3 positional asphyxiation is to prevent someone
4 from being prone, that is, fully on their
5 stomach --

6 A. Right.

7 Q. -- for an extended period of time, or
8 any period of time, correct? You seek to avoid
9 it.

10 A. Yes, yes. With -- with their hands
11 being -- with them being able to use their hands
12 to keep that pressure off that area.

13 So, yes, they do tell you to try to
14 keep them off their stomach for an extended
15 period of time because of possible
16 asphyxiation.

17 Q. Asphyxiation?

18 A. You got it.

19 Q. Is there a distinction for you between
20 if someone is prone with their hands cuffed
21 behind them, being completely prone, as opposed
22 to having their hands underneath them in a prone
23 position, in terms of the possibility of
24 asphyxiation?

25 A. Right. We've always been trained that

1 the risk is greater when their hands are in the
2 back. That way their full body weight is now
3 laying on their chest cavity, where in the front,
4 you know, even if your arms are this way, you
5 still have the opportunity to use your arms to
6 create that distance between the ground and your
7 chest area.

8 Q. And I know you're on video, but I --
9 this is Mr. Gerhardstein's video. I don't
10 know the extent in which this may come into
11 evidence.

12 So, for the record, I saw you clasp
13 your hands in front of your chest area --

14 A. Yeah.

15 Q. -- and sort of move them forward as if
16 you were raising your torso up using your hands.

17 A. Correct. Yes.

18 Q. Is that the position you've been
19 trained is -- I guess, if you had a preference --
20 not that you prefer either prone position --

21 A. Okay.

22 Q. But in terms of prone positions, that
23 second position of having your hands underneath
24 you is less likely to result in asphyxiation?

25 A. Yes.

1 Q. We've had some testimony from officers
2 that putting someone prone in order to handcuff
3 them is not an unusual experience. In fact, it's
4 a manner of handcuffing; is that right?

5 A. Correct. It is.

6 Q. So if you cuff somebody behind their
7 back, would it be your experience or your
8 practice that you try to get them in a recovery
9 position as soon as possible?

10 A. Yeah. As soon as we get that
11 individual under control --

12 Q. Yeah.

13 A. -- we then try to turn them onto their
14 side in a -- put them in a seated position or put
15 them in the back of a car.

16 But, yeah, we do try to keep them off
17 their chest.

18 Q. And is it an acceptable recovery
19 position in your department to lay on the side --
20 lay a person on their side?

21 A. It is.

22 Q. And then at some point you sit them up
23 and then get them up, right?

24 A. Correct.

25 Q. You indicated to Mr. Gerhardstein you

1 didn't discuss positional asphyxiation with the
2 other deputies. It was just -- was it just,
3 that's what you guys were doing, right?

4 A. Yeah. It was just unspoken tactics
5 being used.

6 Like I said, we -- you know, that
7 wasn't what they were intending. That's what it
8 came off to me as what they were trying to do.

9 Q. And did you say it was taking all four
10 of you to prevent Mr. Roell from rolling over
11 onto his stomach using his legs and arms to -- to
12 attempt to get up?

13 A. Absolutely.

14 (Deposition Exhibit T was marked for
15 identification.)

16 BY MS. SEARS:

17 Q. The first couple pages is a summary
18 of -- purports to be by Detective Shawn Cox.

19 Have you ever seen this document
20 before, the first two pages?

21 A. I have seen it once.

22 Q. Oh, you have? Okay.

23 Do you recall when you heard -- did you
24 actually hear Deputy Alexander come on the radio
25 and call for assistance?

1 A. I don't know if it was
2 Deputy Alexander. Again --

3 Q. Or whoever you heard, it was --

4 A. I heard the deputy come up, yes.

5 Q. And could you tell from your hearing of
6 that deputy's voice that -- whether he was under
7 any distress or not? Do you remember having that
8 sense?

9 A. When he made the call for assistance?

10 Q. Yes.

11 A. Absolutely. That is why I left the --
12 the auto accident.

13 Like I said, it wasn't -- it was an OVI
14 auto accident and --

15 Q. Which is a DUI?

16 A. A DUI, correct.

17 So it typically requires two officers.
18 But at that point, on that scene, Officer Shreve
19 had everything under control. The guy was very
20 compliant. He had just put him in handcuffs. He
21 was just, basically, waiting for the tow truck to
22 arrive.

23 Based on my experience, you know,
24 listening to the radio eight hours a day, six or
25 seven years at that point, you can tell in

1 someone's voice when -- when they mean it, when
2 it's just not the normal regular call.

3 So I immediately knew that it was
4 something that -- you know, very unusual; wasn't
5 the routine call, so to speak.

6 Q. We don't have the benefit today of the
7 audio. I'm sorry.

8 But in listening to it, the sort of
9 regular sort of routine stuff seems pretty
10 monotone, kind of emotionless. There's no
11 emotion in it.

12 A. Correct.

13 Q. And the -- the conversation is fairly
14 deliberate, you know --

15 A. Right. It's nice and to-the-point.

16 Q. Yes.

17 A. Right.

18 Q. And how would you differentiate that,
19 what you would normally hear, which wouldn't
20 cause you any -- any feeling that you needed to
21 do something quickly, as opposed to what you
22 heard that night? How would describe that; just
23 sounded different to you?

24 A. Yeah. I mean, you could tell
25 adrenaline was pumping. You could tell that it

1 was very chaotic. It wasn't very monotone.

2 The pace or -- was very rapid. It
3 wasn't like, you know, hey, I'm on scene, can you
4 have a car on the way?

5 It was more of a, I'm on scene, get me
6 another car.

7 I'm not saying that's what he said.

8 Q. Yeah.

9 A. You could just tell that -- that there
10 was definitely some type of distress, some type
11 of assistance needed immediately, right away.

12 Q. And I again apologize for not having
13 the benefit of it, but I'm just trying to, I
14 guess, get a sense from you.

15 A. That's fine.

16 Q. You haven't listened to it, have you?

17 A. No.

18 Q. And so you're just testifying from
19 memory?

20 A. Correct.

21 Q. And when you said, from listening to
22 the radio eight hours a day, would you have a
23 sense that, because this is part of your job and
24 this is what you do eight hours a day every day,
25 that you would hear something that -- maybe a lay

1 person wouldn't necessarily appreciate it?

2 A. Absolutely.

3 You know, we work with all these
4 deputies, same group all across Hamilton County
5 East, that portion of -- that the county is
6 broken up into.

7 So you understand certain people get
8 more amped up than other people in certain
9 situations.

10 But, you know, no one in our
11 Montgomery/Blue Ash -- you know their voice and
12 you hear them all night, all day long. You can
13 tell when something's out of the usual.

14 Q. On the second page of this summary
15 report, Detective Cox says, Officer Alderman
16 entered the residence, it was in disarray, had
17 been flipped over.

18 We've had it described as appearing as
19 if there was intentional destruction.

20 Would you agree with that
21 characterization of the inside the home?

22 A. One hundred percent intentional.

23 Q. It appeared to you?

24 A. Correct.

25 Q. Now, the next few pages in this exhibit

<http://www.yeslaw.net/help>

1 appears to be a transcript of your statement?

2 A. Yes.

3 Q. Have you had an opportunity to look at
4 that?

5 A. One other time, yes.

6 Q. Okay. If you know, did it appear to be
7 fair and accurate from the --

8 A. It did.

9 Q. -- from the interview that you gave?

10 A. That's what I recall.

11 Q. Nothing jumped out at you like --

12 A. Nothing jumped out at me.

13 Q. If you look on page 2 -- pages are on
14 the top there.

15 A. Yes.

16 Q. There's an answer and then a -- I see
17 you answer, okay, and then another answer: He
18 came back.

19 Are you with me?

20 A. Yes.

21 Q. Okay. About, I guess, halfway down
22 here, They were putting the handcuffs, they could
23 only get him in front, as well his legs were
24 already shackled.

25 Do you see that?

1 A. Yes.

2 Q. Again, was -- well, let me ask you
3 this, because I don't know if we established
4 that.

5 Do you recall how -- do you recall
6 when, in relation to the incident, you gave this
7 interview?

8 A. It was a few days later.

9 Q. Okay. And as we kind of did with
10 Exhibit S, to the extent that this interview
11 contains detail that you don't recall today,
12 would you agree with me that the interview is
13 more likely to be accurate?

14 A. Absolutely.

15 Q. But as you sit here today, you don't
16 independently recall the shackling?

17 A. Correct.

18 Q. And then if you look down at the bottom
19 answer, the answer you give here, He was -- he
20 was very violent, so I assisted holding his right
21 leg down.

22 That would be your -- that would be
23 your memory; is that right?

24 A. Correct.

25 Q. And then on page 3 you're continuing to

<http://www.yeslaw.net/help>

1 describe the situation, much like you've
2 described it here today.

3 You said, he was just kind of yelling
4 as I was sitting there holding it for him, you
5 know, he just kept trying to get up. We were
6 holding him down, he was fighting on the ground.
7 They were trying to keep him on his side to stop
8 positional asphyxiation, but his hands were
9 underneath him.

10 And then a little further down a couple
11 sentences you say, So they were trying to keep
12 him on his side, but like I said, he was
13 fighting, so it was kind of -- kind of hard to
14 keep him in one position.

15 Is that your memory --

16 A. Yes.

17 Q. -- as you sit here today?

18 (Deposition Exhibit U was marked for
19 identification.)

20 BY MS. SEARS:

21 Q. Can you identify what's been marked as
22 Exhibit U for purposes of your deposition?

23 A. It appears to be my application.

24 MS. SEARS: Oh, I know what this was.

25 (Inaudible.)

1 I'm sorry, Wendy.

2 THE WITNESS: No, you're fine.

3 MS. SEARS: I got (inaudible).

4 BY MS. SEARS:

5 Q. I'm sorry. I interrupted you.

6 So this is your application for
7 employment; is that what you said?

8 A. It appears to be.

9 Q. I'd just like to call your attention
10 down to -- down here where it says, Military
11 Police.

12 Do you see that?

13 A. Right.

14 Q. Did you have a top secret security
15 clearance when you were working in the military?

16 A. I did.

17 Q. And what did that allow you to do,
18 without telling us any top secrets --

19 A. It just allowed us to access --

20 Q. -- because I don't have the clearance?

21 I'm sorry.

22 A. It allowed us to access and be involved
23 in military operations and military intelligence
24 that the normal individual, without that
25 clearance, was able to hear, understand, or be

1 present during.

2 Q. And how is it that you're selected to
3 have that kind of clearance?

4 A. Based on my career field of being in
5 intelligence, it's required that you do have a
6 top secret security clearance to enter in that
7 career field.

8 Q. And is there any kind of background
9 checks and all kinds of, I guess, things that you
10 have to comply and be cleared of in order to have
11 this kind of clearance?

12 A. Yes. It's very -- very thorough. It's
13 conducted through the FBI.

14 It started while you were in basic
15 training. And I know they went back and talked
16 to my kindergarten teacher about me.

17 My mom worked for Milford Schools.

18 That's why -- I mean, they went and
19 talked to neighbors, whatever else they did. But
20 it was extremely thorough.

21 I had to provide every doctor I've ever
22 seen from birth until the time I applied for it,
23 every dentist, countless number of like
24 neighbors, friends, family, those -- so it was
25 very, very, very detailed.

1 And a lot of people get disqualified
2 from it.

3 Q. So would it be your understanding that,
4 in order to get this type of clearance, that you
5 would have to exhibit a high integrity and that
6 sort of thing --

7 A. Correct.

8 Q. -- character traits for truthfulness --

9 A. Yes.

10 Q. -- and honesty and a high integrity?

11 A. Yes.

12 Q. Now, you indicated to Mr. Gerhardstein
13 that you were under the impression that Mr. Roell
14 may have suffered from alcohol or some alcohol
15 consumption or narcotics consumption; is that
16 right?

17 A. Yes.

18 Q. At some point, did you determine -- did
19 you understand that he actually had a cause of
20 death by the coroner that was determined to be
21 excited delirium?

22 A. I don't think I heard it called that.

23 Q. Oh, okay. At some point, did you come
24 into some information that he was not -- didn't
25 have any narcotics in his system?

1 A. Yeah, at some point. I mean, again, I
2 don't remember, could have been a month or two
3 months or six. I don't recall.

4 But I do remember them saying he had
5 nothing in his system.

6 And what was your reaction to that?

7 A. I was very surprised.

8 Q. Why was that?

9 A. Just based on, you know, being present
10 at the scene, seeing the alcohol bottles, his
11 behavior, his mood, I thought it was indicative
12 of alcohol and drugs.

13 Q. How long, if you can quantify it, how
14 many seconds elapsed or what time frame was it
15 from the time that you observed Mr. Roell stop
16 struggling to going very still and quiet?

17 A. Fifteen seconds. I mean, it was very
18 quickly.

19 Q. Okay. And then how much time elapsed
20 from -- when you saw him go silent or still --

21 A. Correct.

22 Q. -- did you -- is that when you noticed
23 his lips were blue and you -- was that immediate,
24 or some time elapse?

25 A. A few seconds.

1 Q. A few seconds?

2 A. Right.

3 Q. How many police officers in your -- in
4 the Montgomery department?

5 A. Twenty, I believe, 25.

6 Q. And how big of a community is
7 Montgomery?

8 A. Five -- roughly five square miles.

9 I believe the sleeping population is
10 10 to 12,000. That's not counting the daytime
11 population, with the hospital and --

12 Q. Regarding Exhibit 17 -- you were
13 looking at that with Mr. Gerhardstein -- that's
14 the dispatch recall incident?

15 A. Oh, yes.

16 Q. Are you 4NORA32, 4N32? Is that your
17 unit?

18 A. That night, 4NORA, 3 is third shift,
19 2 is which beat you run. We have a north and a
20 south beat.

21 Q. Is 4 -- is 4NORA32, is that a
22 Montgomery car?

23 A. It is.

24 Q. And is that a beat that you run?

25 A. Yes.

1 Q. So if there is a 4NORA32 on this
2 incident detail, and no other Montgomery car on
3 that detail, that would be your car; is that
4 right?

5 A. Yes.

6 Q. Okay.

7 MS. SEARS: If I could just have a
8 second?

9 (Off the record.)

10 MS. SEARS: That's all I have right
11 now.

12 I know you can't probably believe
13 that.

14 MR. GERHARDSTEIN: Yeah. Okay.

15 A couple more questions.

16 FURTHER EXAMINATION

17 BY MR. GERHARDSTEIN:

18 Q. The -- you're still on 17?

19 A. Yes.

20 Q. After the indication that you were en
21 route at 2:55 --

22 A. Okay.

23 Q. -- there is a broadcast at 2:55, One in
24 CUST; custody I assume?

25 Do you see that one in caps?

<http://www.rylaw.net/help>

1 A. I'm on the wrong page.

2 Yes, one in custody.

3 Q. And then request, REQ, Units continue.

4 Do you know what that means?

5 A. It appears to me one in custody,
6 request units continue.

7 That is typically what I've seen
8 written on other incident reports. When the
9 officer -- when we key up -- any officer keys up
10 and says, we have -- you know, we have one in
11 custody, which means the individual is in
12 custody.

13 Now, it differentiates between each
14 person what you're going to qualify as custody.
15 And then, request two units continue. We still
16 need more cars, keep them coming

17 Q. Okay. And then at 2:56 ACB and BC on
18 east to update.

19 Do you have any clue as to what that
20 means?

21 A. Yeah. It appears that, like I said on
22 the other ones, all county broadcast and
23 broadcast on east to update.

24 East would be the Hamilton County East.
25 That's the frequency that that portion of

1 Hamilton County is on at dispatch.

2 But I don't know --

3 Q. So update, just like everybody check in
4 to say where they are or --

5 A. That -- I mean, that seems like it's
6 more -- I mean, ACB is an all-county broadcast,
7 which typically an officer-needs-assistance type
8 of call, that they put it out to all.

9 But where it says, to update, I mean,
10 that looks like it might be something the com
11 center would put on their records, but not
12 broadcast over the radio. So --

13 Q. Okay. So that doesn't tell us
14 anything about the content of the all-county
15 broadcast?

16 A. No.

17 Q. All right. And then at 9:57 --

18 A. 9:57.

19 Q. 9S32 ADV to slow units.

20 MS. SEARS: 2:57.

21 A. 2:57.

22 BY MR. GERHARDSTEIN:

23 Q. I'm sorry -- 2:57.

24 A. Yeah. 9S32 would 9, Sam, 32, which
25 would be the northern Sycamore Township car.

1 Q. So that's one of the sheriff
2 deputies?

3 A. It's a sheriff, yes.

4 It's, advise to slow units.

5 Since the one above it where it says
6 request units to continue -- typically, they
7 indicate that when they want the cars to still
8 come, but possibly not going lights and sirens
9 or not going as fast. Slow down -- keep
10 coming, but, you know, take a little bit more
11 time.

12 Q. And then that same message goes as an
13 all-county bulletin at 2:57?

14 A. That's what it appears.

15 Q. Okay. You mentioned that while you
16 were present with Mr. Roell before he went limp,
17 he was struggling. And you talked something
18 about using his arms as leverage.

19 Was he having any difficulty
20 breathing?

21 A. It didn't appear, because he was very
22 vocal.

23 Q. And as he struggled, was he talking
24 about water and these other sort of disjointed
25 statements?

1 A. Right. I mean, like I said, I keyed
2 in -- I remember about the water.

3 But, basically, he didn't shut up until
4 he went silent.

5 Q. Was he reaching for the -- trying to
6 reach for this hose?

7 A. He -- I mean, with his hands --

8 Q. Yeah.

9 A. -- they were handcuffed. I mean, he
10 was going -- and it appears to me -- because the
11 hose was a foot away, a few inches away, two feet
12 away.

13 It was kind of, I'm going that way,
14 but, I mean, it appeared to me he was looking for
15 water. But he could have also been up here, you
16 know, using his hands as leverage to get up.
17 But --

18 Q. You mentioned you found some beer
19 bottles. Were they cans or bottles?

20 A. They were glass bottles.

21 Q. And were they broken?

22 A. Yes.

23 Q. And where were they located?

24 A. Out in the parking lot.

25 If you exit the suspect's residence and

<http://www.yeslaw.net/help>

1 walk straight down the path like into the parking
2 lot where the cars were, they were right around a
3 car parked. And I want to say -- I can't
4 remember. But I think it was his car that they
5 were broken around.

6 Q. About how many?

7 A. I don't recall. I remember at least
8 seeing one.

9 MS. ROELL: Probably not. He used
10 cans.

11 BY MR. GERHARDSTEIN:

12 Q. Do you know what type of beer it was?

13 A. I don't recall.

14 Q. So you saw at least one broken beer
15 bottle?

16 A. There was a broken beer bottle.

17 Q. Was it broken on the car or on the
18 asphalt near the car?

19 A. On the asphalt.

20 Q. Did you see any beer bottles in the
21 unit?

22 A. Not that I -- I mean, I, again, wasn't
23 looking for beer bottles.

24 We were primarily focused on people.

25 Q. Were there any broken bottles in the

1 unit?

2 A. Again, I don't know.

3 Q. You mentioned that in the unit, you
4 thought it was 100 percent intentional
5 destruction.

6 Do you recall that testimony?

7 A. It appeared to be.

8 Q. So you weren't present when the
9 destruction was occurring, right?

10 A. No.

11 Q. So if he was delusional and disturbing
12 his own property in a delusional state, you have
13 no idea whether that was the motivation for
14 disturbing his property or not, right?

15 A. No. But it would still be intentional
16 if you're --

17 Q. Well, what do you mean by intentional?

18 A. I mean, I've been in houses before.
19 Like I said, I live in a house.

20 His things were, you know -- a typical
21 person doesn't stuff a toilet full of clothes.
22 They typically don't throw everything out of the
23 refrigerator and freezer.

24 And like I said, it appeared to be
25 intentional. It did not appear to be any type of

1 burglary or anything of that nature. Because
2 I've responded to burglaries and I've watched
3 enough TV, where I've never seen a burglar throw
4 your clothes into a toilet.

5 So just based on my life experiences
6 and my professional experiences, it appeared to
7 be intentional.

8 Q. Okay. But that -- that conclusion of
9 yours doesn't say anything about his mental
10 state --

11 A. Yeah.

12 Q. -- right?

13 A. Right.

14 Q. Okay. And all those houses you've been
15 in, it's pretty rare to see the level of
16 disturbance that you saw in this house, right?

17 A. Correct.

18 Q. You may have testified to this and I
19 just don't remember.

20 After he went limp, did you witness a
21 second call to EMT or not?

22 A. I want to say I heard them say, step it
23 up, or something along those lines, which is
24 typically the slang for, have EMS respond a
25 little quicker.

1 It's just to let them know that they're
2 needed. It's not more of a routine call, it's,
3 we need you here now.

4 Q. But you're not sure?

5 A. Not 100 percent positive.

6 Q. So do you have a recollection of a
7 second call to the EMT?

8 A. Well, I remember -- I remember
9 someone -- the front left -- deputy on the front
10 left shoulder --

11 Q. Okay.

12 A. -- front top left shoulder saying that
13 CPR is in progress.

14 And, again, I don't remember if they
15 said, step it up. But I do remember the, CPR in
16 progress.

17 Q. And you heard that being broadcasted?

18 A. Yes.

19 MR. GERHARDSTEIN: I don't have
20 anything else.

21 FURTHER EXAMINATION

22 BY MS. SEARS:

23 Q. I just want to show you what was marked
24 as Exhibit K in a prior deposition. And I don't
25 want to ask you questions about all these

1 pictures. But I would like to show you
2 Exhibit K, starting with -- do you see that
3 little number at the bottom there?

4 A. I do, yeah.

5 Q. 50 through -- pictures 50 through 87.
6 If you don't mind, just sort of rifle through
7 those. And then after you've done that, I just
8 want to ask you some questions.

9 MS. SEARS: So 50 through 87, Al. Can
10 you see that little number in the corner?

11 BY MS. SEARS:

12 Q. Do those pictures accurately and fairly
13 depict what you saw, what you described to Mr.
14 Gerhardstein and me today --

15 A. Yes.

16 Q. -- about the interior of the condo?

17 A. Yes.

18 MS. SEARS: That's all.

19 FURTHER EXAMINATION

20 BY MR. GERHARDSTEIN:

21 Q. There were no beer bottles in those
22 pictures, right?

23 A. I wasn't looking. But there was a
24 bar --

25 Q. Yeah.

1 A. -- in the pictures. But I wasn't --
2 I've seen numerous bottles of alcohol. I've not
3 come across signs of a beer bottle.

4 Q. Right. And then if you look at
5 Exhibit 30 -- in that same exhibit, pictures 39,
6 40, I see that is an object near the car. But
7 that doesn't appear to be a beer bottle, right?

8 A. Unfortunately I'm --

9 Q. You can see it better in 50 -- or 40.

10 A. Yeah. I don't -- I don't know what
11 that is.

12 Q. Okay, and then at 41 and 42, that
13 doesn't appear -- and it's bigger in 43.

14 That's some sort of hot sauce or
15 something, right?

16 A. Number 7 is what I was referring to --
17 or item --

18 Q. Yeah. You can look at picture -- yeah,
19 43; looks like a sauce of some kind.

20 A. It was -- there -- at the rear end of
21 the car, there was a glass bottle.

22 Q. All right. But it wasn't a beer
23 bottle?

24 MS. ROELL: Hot sauce of some kind,
25 mustard.

1 BY MR. GERHARDSTEIN:

2 Q. In fact -- yeah, if you look at 44, you
3 can see the labels.

4 A. Okay. Yeah. It appears to be a --

5 Q. All right. Well, it says mustard on
6 the label, right?

7 A. Yes.

8 Q. And that's what you were thinking of?

9 A. That's what I was referring to. The
10 rear of the car, I knew there was a glass
11 container broken.

12 Q. All right. And that's not a beer
13 bottle, right?

14 A. No.

15 Q. Is that correct?

16 A. It -- yeah. I mean, it's -- that's not
17 a beer bottle.

18 Q. Okay.

19 MR. GERHARDSTEIN: All right. I don't
20 have anything else.

21 FURTHER EXAMINATION

22 BY MS. SEARS:

23 Q. At the time of incident, that's what
24 you thought it was, though, right?

25 A. That's what I thought, correct.

1 MS. SEARS: Okay.

2 MR. GERHARDSTEIN: All right. I don't
3 have any more.

4

5

JAYSON ALDERMAN

6

7

- - -

8

DEPOSITION ADJOURNED AT 1:54 P.M.

9

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1 C E R T I F I C A T E

2

3 STATE OF OHIO :
4 : SS
5 COUNTY OF HAMILTON :

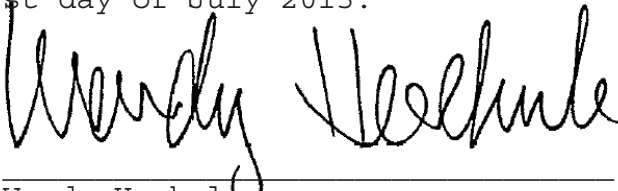
6 I, Wendy Haehnle, the undersigned, a
7 duly qualified and commissioned notary public
8 within and for the State of Ohio, do certify that
9 before the giving of his deposition, JAYSON
10 ALDERMAN was by me first duly sworn to depose the
11 truth, the whole truth and nothing but the truth;
12 that the foregoing is the deposition given at
13 said time and place by JAYSON ALDERMAN; that I am
14 neither a relative of nor employee of any of the
15 parties or their counsel, and have no interest
16 whatever in the result of the action; that I am
17 not, nor is the court reporting firm with which I
18 am affiliated, under a contract as defined in
19 Civil Rule 28(D).

20 IN WITNESS WHEREOF, I hereunto set my hand
21 and official seal of office at Cincinnati, Ohio,
22 this 31st day of July 2015.

23

24

25


Wendy Haehnle
Notary Public - State of Ohio
My commission expires September 3, 2017



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February 17, 2016

In Craig Short, Officer Jayson Alderman, Lt. Jay Gramke
Re: Nancy Roell, as executrix of the estate of Gary L. Roell, Sr. v. Hamilton County, Ohio/Board of
Commissioners, et al.

Linda L. Woeber, Esq.
Montgomery Rennie & Jonson, LPA
36 East Seventh Street, Suite 2100
Cincinnati, Ohio 45202

Re: Depositions of Craig Short and Jayson Alderman
July 21, 2015
Nancy Roell v. Hamilton County, Ohio/Board of County Commissioners, et al.

Dear Ms. Woeber:

This letter is to inform you that as of today, Craig Short and Jayson Alderman have not returned the original signature page and errata sheet from their depositions taken on July 21, 2015 within 30 days as required by Rule 30(e) of the Federal Rules of Civil Procedure.

Pursuant to this rule, the original deposition transcript may be used as fully as if it were a signed transcript.

A handwritten signature in black ink that reads "Brenda Keyser".

Brenda Keyser - Notary Public - State of Ohio
My Commission Expires: September 21, 2017

No. 106865
Enclosures

cc:
Alphonse A. Gerhardstein, Esq.
R. Douglas Miller, Esq.
Jerome A. Kunkel, Esq.
Pamela J. Sears, Esq.